

Article - Public Safety

[\[Previous\]](#)[\[Next\]](#)

§13A–1042.

(a) (1) In this section the following words have the meanings indicated.

(2) “Blood alcohol content limit” means the amount of alcohol concentration in a person’s blood or breath at which operation or control of a vehicle, aircraft, or vessel is prohibited.

(3) “United States” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(b) A person subject to this title shall be punished as a court–martial may direct if the person:

(1) operates or physically controls a vehicle, aircraft, or vessel in a reckless or wanton manner or while impaired by a substance described in § 13A–1036.1(b) of this subtitle; or

(2) operates or is in actual physical control of a vehicle, aircraft, or vessel while drunk or when the alcohol concentration in the person’s blood or breath is equal to or exceeds the applicable limit under subsection (c) of this section.

(c) For purposes of subsection (b) of this section, the applicable limit on the alcohol concentration in a person’s blood or breath is:

(1) In the case of the operation or control of a vehicle, aircraft, or vessel in the United States, the lesser of:

(i) the blood alcohol content limit under the law of the state in which the conduct occurred, except as may be provided under paragraph (3) of this subsection for conduct on a military installation that is in more than one state; or

(ii) the blood alcohol content limit specified in subsection (d) of this section;

(2) in the case of the operation or control of a vehicle, aircraft, or vessel outside the United States, the blood alcohol content limit specified in subsection (d) of this section or such lower limit as the Secretary of Defense may by regulation prescribe; and

(3) in the case of a military installation that is in more than one State, if those States have different blood alcohol content limits under their respective State laws, the blood alcohol content limit selected by the Secretary to apply uniformly on that installation.

(d) (1) For purposes of subsection (c) of this section, the blood alcohol limit with respect to alcohol concentration, as shown by chemical analysis:

(i) in a person's blood is 0.08 grams of alcohol per 100 milliliters of blood; and

(ii) in a person's breath is 0.08 grams of alcohol per 210 liters of breath.

(2) The Secretary may by regulation prescribe limits that are lower than the limits specified in paragraph (1) of this subsection if such lower limits are based on scientific developments as reflected in federal law of general applicability.

[\[Previous\]](#)[\[Next\]](#)